

### Remarks

The applicant does not propose any amendment of claims 2 to 8 and 10 to 17 as currently pending in the application. It is the applicant's view that the claims as currently pending patentably distinguish the present invention over the new prior art cited by the Examiner.

The Examiner has rejected the currently pending independent claims (2, 10 & 17) under 35 U.S.C. §103(a) as being unpatentable over previously-cited Saito (US 5,541,926) in view of newly-cited Ono (US 6,470,014). The Examiner accepts that Saito fails to teach the features of the present invention of (i) issuing credits at a substantially constant rate and (ii) assigning credits to each of the data structures according to the size of said data structure. However, it is the Examiner's contention that the missing features are known from Ono and that a skilled person would be motivated by a desire to improve the system of Saito to minimize the maximum delay time for each incoming transmission line by incorporating the sequence designation unit of Ono into the cell assembly device of Saito thus rendering the present invention obvious over a combination of the teachings of these two prior art references. In support of his position, the Examiner refers particularly to Ono, column 5, lines 24 to 43 & lines 44 to 48 which the Examiner suggests teaches the feature of (i) issuing credits at a substantially constant rate and (ii) assigning credits to each of the data structures according to the size of said data structure. The applicants respectfully disagree with the Examiner's conclusions for the following reasons.

Applicants urge the Examiner to consider in detail the description of Embodiment 2 and subsequent Embodiments of Ono commencing at column 18, line 30 thereof in which a full description is provided of the credit assignment scheme proposed by Ono. This discloses that the sequence designation unit (80) has a credit setting register (81) stored with predetermined credit set values according to the quality of

service (QoS) classes of cells received into QoS class specific "Short Cell Storage Memory" devices (cf column 18, lines 1 to 17). It will be readily appreciated from this and the whole of the description of Ono that the credit setting register not only does not issue credits at a substantially constant rate but that it does not assign credits to any data structure and it does not do so according to said data structure's size. Therefore, given these three significant differences between the present invention and Ono, the incorporation of the sequence designation unit of Ono into the cell assembly device of Saito could not possibly result in the arrangement of the present invention as defined by the currently pending independent claims.

In any event, a skilled person would not even contemplate the adaptation of the cell assembly device of Saito by incorporating into it the sequence designation unit of Ono since Saito and Ono are directed to different technical fields. Saito is directed to an ATM cell assembly and disassembly device for dealing flexibly with various data speeds of synchronous data, i.e. for interfacing a synchronous network (e.g. STM) to an asynchronous network (e.g. ATM). In contrast, Ono is directed to a wireless base station interfaced with an ATM network in which the wireless base station receives short cell traffic from various wireless (radio) terminals. The base station includes a short cell multiplexer for packetizing received short cell traffic on a QoS priority basis into ATM packets (cells) for transmission on an ATM link to a distribution station. Ono addresses the problem of reducing the delay associated with the cellulating process of embedding bursty, packet based, wireless traffic into the payloads of ATM cells. Thus Ono is not relevant to the field of Saito which addresses problems associated with converting a plurality of synchronous traffic streams into an ATM packet stream. A skilled person would not therefore contemplate combining the teachings of Saito and Ono and therefore the Examiner's rejection of the currently pending claims under 35 U.S.C. 103(a) cannot be sustained for this reason alone.

It is submitted therefore that the currently pending claims of the present application do patentably distinguish the present invention over both Salto and Ono for the reasons set out above. Favorable reconsideration of the claims is therefore requested.

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Respectfully submitted,



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